

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA, CR 14-55-BMM

Plaintiff,

vs.

MARIA ROSE NEWTON,

Defendant.

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Ms. Newton of violating her conditions of supervised release by (1) committing another federal crime, (2) possessing a controlled substance on two occasions, (3) failing to report to her probation officer as directed, (4) failing to notify her probation officer of a change in her address, (5) failing to notify her probation officer within seventy-two hours of being arrested, and (6) associating with a felon. She admitted to the violations. Ms. Newton's supervised release should be revoked. She should be sentenced to eighteen months

of custody, with six months of supervised release to follow. She should spend the entirety of her supervised release at the Great Falls Residential Reentry Center.

II. Status

Ms. Newton pleaded guilty to Theft from a Gaming Establishment on Indian Lands on December 10, 2014. (Doc. 59.) United States District Judge Brian Morris sentenced her to 148 days of custody, with twenty-four months of supervised release to follow. (Doc. 71.) She began her current term of supervision on April 27, 2015.

Petition

The United States Probation Office filed a Petition for Warrant for Offender Under Supervision on October 28, 2015, alleging that Ms. Newton violated the conditions of her supervised release by (1) committing another federal crime, (2) possessing a controlled substance on two occasions, (3) failing to report to her probation officer as directed, and (4) failing to notify her probation officer of a change in her address. (Doc. 97.) Judge Morris issued a warrant for her arrest based on the information in the Petition. (Doc. 98.) The Probation Office filed an amended petition on March 6, 2017, which, in addition to the original allegations, alleged that Ms. Newton violated the terms of her supervised release by failing to notify her probation officer within seventy-two hours of being arrested, and

associating with a felon. (Doc. 106.)

Initial appearance

On February 16, 2017, Ms. Newton appeared before the undersigned in Great Falls, Montana, for an initial appearance. Federal Defender Evangelo Arvanetes accompanied her at the initial appearance. Assistant United States Attorney Ryan Weldon represented the United States.

Ms. Newton said she had read the petition and understood the allegations. She waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

Ms. Newton admitted that she violated the conditions of her supervised release. The violations are serious and warrant revocation of her supervised release.

Ms. Newton's violation grade is Grade A, C, her criminal history category is I, and her underlying offense is a Class C felony. She could be incarcerated for up to twenty-four months. She could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for twelve to eighteen months in custody.

Mr. Arvanetes recommended that when determining Ms. Newton's sentence the Court consider that she has been incarcerated for over a year. Mr. Weldon recommended a sentence at the high end of the guideline range to run consecutively. Ms. Newton addressed the Court and stated that she fell in with the wrong crowd.

III. Analysis

Ms. Newton's supervised release should be revoked because she admitted violating its conditions. Ms. Newton should be sentenced to eighteen months in custody to run consecutively, with six months of supervised release to follow. She should spend her time under supervised release at the Great Falls Prerelease Center. This sentence would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

IV. Conclusion

Ms. Newton was advised that the above sentence would be recommended to Judge Morris. The Court reminded her of her right to object to these Findings and Recommendations within 14 days of their issuance. The undersigned explained that Judge Morris would consider her objection, if it is filed within the allotted time, before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose.

The undersigned **FINDS:**

Maria Rose Newton violated her conditions of supervised release by (1) committing another federal crime, (2) possessing a controlled substance on two occasions, (3) failing to report to her probation officer as directed, (4) failing to notify her probation officer of a change in her address, (5) failing to notify her probation officer within seventy-two hours of being arrested, and (6) associating with a felon.

The Court **RECOMMENDS:**

The district court should enter the attached Judgment, revoking Maria Rose Newton's supervised release and sentencing her to eighteen months in custody to run consecutively, with six months of supervised release to follow. Her time under supervised release should be spent at the Great Falls Prerelease Center.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in

whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 21st day of March 2017.



John Johnston
United States Magistrate Judge